

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

No. 05-10184-GAO

UNITED STATES OF AMERICA

v.

NOEL NEFF

ASSENTED TO MOTION TO CONTINUE INITIAL STATUS CONFERENCE

The Defendant through his attorney requests that the initial status conference, currently scheduled for Monday September 12, 2005, be continued to October 11, 2005. In support of this motion, the Defendant states the following:

1. Undersigned counsel will be in California on September 12, 2005. Counsel informed the Court (Swartwood, J.) of this conflict on the last court date and the Court indicated that he would be amenable to a continuance of the initial status conference. The Court advised counsel to file a motion to continue the status conference.

2. Furthermore, undersigned counsel has not yet had a chance to review all of the voluminous discovery provided by the government in this case to date. Specifically, on August 25, 2005, in response to a written request from defense counsel, the government produced 189 pages of internet message dialogue, 33 pages of other material, several photographs, several audio

recordings, and several video recordings of Windows XP desktop sessions depicting internet activity. Counsel must review all of this material carefully before he is able to determine whether he has any further discovery requests. Indeed, as a result of his initial review of a portion of this material, counsel has already made two additional discovery requests.

3. Undersigned counsel discussed this matter with AUSA Robert Richardson, who indicated that he has no objection to the continuance of the initial status conference on the condition that the time is excluded. Undersigned counsel has no objection to excluding this additional time.

Dated: September 6, 2005

Respectfully Submitted,

/s/ Chauncey B. Wood
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